

#79



PATENT

In re Application of Freedman  
Serial Number 09/887,655  
Filing Date: June 22, 2001  
Art Unit: 2154  
Examiner: Joshua Joo  
For: **AUTOMATED CONTROL OF  
OUTBOUND TRANSIT LINKS IN A  
MULTI-HOMED BGP ROUTING  
ENVIRONMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

This paper is submitted in Response to the Office Action mailed February 24, 2006. A three (3) month extension of time is submitted with this paper to extend the deadline for response through August 24, 2006.

**REMARKS AND REQUEST FOR RECONSIDERATION**

Myers et al., U.S. Publication No. 2003/0079005, is a primary reference now being relied upon by the Examiner in support of the pending obviousness rejection of claims 1-3, 5-6, 10 and 12-13. In particular, the Examiner alleges that Myers et al. disclose “nodes communicating with routers,” “performing periodic path quality measurements,” “configuring routes identifying links to reach nodes of different networks at the time [ ] of the path quality measurement,” and “withdrawing the routes after the measurement.” (See, office action at paragraph 7). Myers et al., however, are not claiming the same invention as in the subject application, and the filing date of the Myers et al. application is May 29, 2001, just a few weeks before the filing date of this case.